Carroll County Water Resource Coordination Council

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Carroll County Health Department

Carroll County Government

WRCC Meeting Summary

April 23, 2014

Attendees:

Frank Schaeffer, Chair	Perry Jones	Ed Singer	Gale Engles
Dawn Ashbacher	Monika Weierbach	Jeff Castonguay	Sean Hartman
Christy Collins	Jim Wieprecht	Tom Devilbiss	Janet O'Meara
Kevin Hann	Michelle Wilder	Brenda Dinne	Tim Sandoval
Donnie Nott	Marge Wolf	Glenn Edwards	

The meeting was called to order by Frank Schaeffer at 2:30 PM.

Minutes from the March 26th meeting were approved as written.

The Chair began by indicating that the order of the agenda would be changed. The "Initial Discussion – County/Municipal Operating MOU" would be moved to the end to ensure no other agenda item would be held up or missed if the discussion went too long.

Mr. Schaeffer went on to announce that the Board of County Commissioners and all of the Mayors signed the Memorandum of Intent (MOI), dated April 22, 2014, regarding cost-sharing for municipal stormwater projects and pursuit of a joint National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. He indicated the next task would be to develop the more detailed operating memorandum of understanding (MOU) to implement the MOI. He suggested this task may require some extra time to be put in along the way for those involved. He felt it was important to have the MOU wrapped up while the current Board is still in office to maintain some level of continuity. Frank stated that the MOU, once signed, would be a benchmark for municipal/County cooperation.

NPDES Report – Town Questionnaire

Glenn Edwards informed the town managers that they would be receiving their annual NPDES questionnaire in the first week or two of May. The questionnaire provides information needed to prepare the NPDES Annual Report. He asked that the questionnaire be returned by the beginning of June. Tom Devilbiss suggested that the municipalities are welcome to add more information that is requested if it would be helpful. The questionnaire represents the minimal reporting requirements.

Field Tour – May 28

Gale Engles announced that a tour of environmental restoration projects is scheduled for May 28. They will plan on visiting four locations, including various stages of construction/completion. Information regarding the before and after conditions would be provided, as well as cost figures. Lunch will be provided. She asked that, in addition to the town managers attending, the Mayors and Council members should be invited. Mr. Devilbiss requested that Gale be contacted ASAP with a participant count for each municipality so adequate transportation and lunches could be arranged. He also suggested if any municipalities have large-capacity vehicles they could offer, it might be helpful, as the County does not have many available. Rose Mann will be sending out more details. Ms. Dinne clarified that this field trip is in lieu of the regular WRCC meeting in May.

Open Discussion

Maryland Department of the Environment's (MDE) Carroll County 2013 Milestones Review

Brenda Dinne gave some background on the draft "Carroll County 2013 Milestones Review" sent by MDE on April 18. She indicated these had been e-mailed to the WRCC members on Monday, April 23. She briefly described the purpose of the milestones and their relationship to the Maryland's Phase II Watershed Implementation Plan. She said the WRCC, as the local WIP team, submitted DRAFT milestones to MDE in November 2011 for 2012-2013. In January 2014, the WRCC submitted the MDE-requested progress report. MDE evaluated the progress reports that were submitted and is providing each county with a chance to comment on its draft before finalizing the document.

Ed Singer and Tom Devilbiss agreed that this document does not currently have a strong correlation to MDE's Maryland Phase II WIP Strategies for Carroll County. Mr. Devilbiss reminded the group that they have never agreed to the strategies MDE developed and submitted to the U.S. Environmental Protection Agency (EPA). However, they expressed concern that a hammer could be developed in the future using these progress reports. Ms. Dinne noted that the milestones currently focus on programmatic activities.

Ms. Dinne stated that comments are due to MDE by May 2. She requested direction regarding whether to provide comments, and if so, what comments should be provided. She said overall the evaluation was positive. However, there were areas that may be more positive if the evaluation had considered the progress included in the NPDES Annual Report. She also suggested that many of the points of progress she saw in other counties' milestone progress reports were things that Carroll County is already doing. Therefore, they are not included in an evaluation of further progress. Mr. Devilbiss pointed out that "county" in the context of this evaluation refers to the County plus the municipalities together.

Mr. Devilbiss commented that definitions of several items in the document were needed. The rating of "high, medium, and low" should be defined, as should the definition of each of the Review Subjects. Ms. Dinne indicated the Review Subjects did not directly correlate with the milestone categories, nor did they completely match the topics listed in the guidance given by MDE for the progress reports. Mr. Devilbiss also felt that Carroll's funding should receive a "high" report, as Carroll has fully committed through the Community Investment Plan to funding stormwater projects required by the permit. However, this funding commitment appears in the NPDES Annual Report rather than the milestones.

Mr. Devilbiss shared two additional items he felt are worthy of comment. The first was to reiterate that the WRCC does not agree with the quantitative numbers at this time, but still would like to provide comments. Second, he suggested that part of Carroll should be recognized, in the table on Page 2 of the document "Evaluating 2012-2013 Local Milestone Achievements," as having Limited Bay Impact due to the reservoir watersheds. Even the western half of the county has a low impact, as it drains to the Potomac. Ms. Dinne also

noted that the South Branch Patapsco watershed is the watershed that might be considered "closest" to draining to the Bay, and only one-tenth of the load from that watershed is delivered to the Bay. She also commented that something should be added to the evaluation to reference the NPDES report and consider it in the progress evaluation. Jim Wieprecht offered a comment to say that the milestone categories and evaluation categories should align to make it easier to reference.

Frank Schaeffer asked what MDE intended to do with this evaluation. Ms. Dinne stated that the evaluations will be finalized and posted to the MDE web site. MDE intends for these evaluations to acknowledge local successes while also identifying and encouraging more robust efforts where needed. However, no indication was provided as to other ways it might be used or if it would be provided to EPA.

The members agreed with the comments discussed thus far. No additional comments were provided. Ms. Dinne will draft up comments and e-mail them to the WRCC members for review. The comments are due to MDE by May 2, 2014.

Municipal Environmental Fund
Kevin Hann asked how the municipalities go about submitting a project application for funds. Ms. Dinne clarified that the WRCC submitted a proposal to the Board for how the funds might be used. However, they have not yet acted on the proposal or made a decision about the use of the funds. Ms. Wolf asked Mr. Devilbiss to bring this to the Board's attention. Mr. Devilbiss shared that the Board is currently locked in budget discussions. However, he would try to do so. He also clarified that he thought these were operating funds. Therefore, they would not be available next fiscal year unless they are encumbered.

Initial Discussion – County/Municipal Operating MOU
The Chair thanked Ms. Dinne and Mr. Devilbiss for their work on the MOI and questions for the MOU. He shared that the WRCC has been discussing this issue for over a year. The WRCC has been persistent and kept moving, resulting in the issue being taken seriously.

Ms. Dinne e-mailed to the WRCC on Monday, April 21, a discussion draft of an initial set of questions that the municipalities and County need to ask when discussing and determining what should be included in the operating MOU and what the procedures should be. She noted that the outline used here was based on the outline provided at the March 26 WRCC meeting of potential topics to be addressed in the operating MOU.

Mr. Devilbiss went on to clarify that the discussion today is not meant to be a time to start answering these questions. Rather, we are looking for any additional questions that may not already be represented. His goal is to draft a "compact" MOU, keeping it as brief as possible while still covering all needed issues. He also stated that, now that the MOI is signed, he will be meeting with MDE to review some of the items again related to pursuing a joint permit.

Several questions were raised, some of which were pointed out as already included in the listed questions. Ms. Dinne reminded the group that the 80/20 cost-share split is only one component of the operating MOU. There are additional requirements and topics in the permit, that will need to be addressed in the agreement, that are not funded by the 80/20 funding split for municipal mitigation projects. Mr. Devilbiss further clarified that the operating MOU would include all of the things we do now. Ms. Engles suggested that the operating MOU be laid out consistent with the topics in the permit. Mr. Devilbiss agreed and suggested there would be additional items as well. He said this did not necessarily mean that the municipalities would have more costs, particularly if we maintain current responsibilities. However, the agreement would address how the funds are collected and distributed for projects. If it is decided that cost for each municipality will be based on the cost

to mitigate 20 percent of its impervious area, we can memorialize in the agreement that the dollars contributed by municipalities would go toward projects for municipal impervious areas.

Marge Wolf asked if questions related to items on which we already have agreement, such as the 80/20 cost-share, should be included in the operating MOU or eliminated. Mr. Devilbiss felt they should be included. It doesn't hurt to duplicate those agreements in this case. In addition, the MOI will only be implemented if an operating MOU is actually signed. It was agreed that the operating MOU should be consistent with those items on which agreement has already been reached.

In response to a question by Ms. Wolf, Mr. Devilbiss and Ms. Engles suggested that a project list might be referenced in the operating MOU. However, they did not recommend including the actual list of projects in the agreement, particularly because project priorities could and do change due to various circumstances. Ms. Engles added that her staff is continually applying for grants. If a grant is received for a specific project, this could move that project up in the priority list. Weather and contractors, among others, were offered as additional influences on priorities.

Topics for which questions will be added to the outline for discussion included:

- How the County will fund or commit to funding its share
- Application of "credit" when a greater percentage is mitigated than required
- How to address bankruptcy or major financial hardship
- Process and impact of receipt of grant on overall costs
- What services would continue if a municipality separates from the agreement
- Whether or not staffing would continue to be addressed through the Town/County Agreement

Mr. Devilbiss indicated that he could request the appropriate staff from other agencies, such as Budget, to participate in relevant discussions at future work sessions. The Chair asked that the group prioritize which topics would be addressed first. It was agreed that costs and fiscal procedures would be addressed first. Mr. Schaeffer suggested that staff could be working on some of the other issues at the same time the larger group was addressing costs and fiscal procedures. He felt the County staff and town managers should not wait until the end of May to begin meetings to discuss the MOU.

It was agreed that County and municipal staff would meet on May 21 from 1:00 to 3:00 (4:00 at latest) at a location to be determined. Additional meetings will be scheduled as we proceed. How to proceed with additional topics – including whether or not to create a subgroup to draft more "mundane" items, have staff draft those items, or have all town managers at all initial discussions – will be determined at a later time. Ms. Dinne felt the staff could possibly have some suggestions for answers to some of the questions related to distribution of responsibilities, but it would not be feasible to have that section actually drafted by May 21.

The group further agreed that each town manager would use his or her own discretion as to when and how the attorneys would review the draft agreement throughout the process. Each municipality has its own process and way of operating.

The Chair requested the town managers to e-mail Tom *and* Brenda if there are specific suggestions on how certain items should work. This would allow them to collect that information to distribute and discuss.

The meeting was adjourned at 3:54.

The next meeting is scheduled for June 25, 2013 at 2:30 in Room 105.